

NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION


FOR THE

ROBE AND ALLIED PRODUCTS
INDUSTRY

AS APPROVED ON APRIL 26, 1934



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Approved Code No. 211—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

ROBE AND ALLIED PRODUCTS INDUSTRY

As Approved on April 26, 1934

ORDER

AMENDMENTS TO CODE OF FAIR COMPETITION FOR THE ROBE AND
ALLIED PRODUCTS INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of certain amendments to the Code of Fair Competition for the Robe and Allied Products Industry, and Hearings having been duly held thereon and the enclosed report on said amendments containing findings with respect thereto having been made and directed to the President:

NOW, THEREFORE, I, Hugh S. Johnson, Administrator for Industrial Recovery, on behalf of the President of the United States, pursuant to authority vested in me by executive orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby refer to said annexed report and do find the said amendments and the Code as constituted after being amended, comply in all respects with the pertinent provisions and will tend to promote the policies and purposes of said Title and said Act, and do hereby order that said amendments be and they are hereby approved, and that the previous approval of said Code be and it is hereby modified to include an approval of said Code in its entirety as amended.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

SOL A. ROSENBLATT,
Division Administrator.

WASHINGTON, D.C.,
April 26, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: An application has been duly made pursuant to and in full compliance with the provisions of Title I of the National Recovery Act for certain amendments to the Code of Fair Competition for the Robe and Allied Products Industry, and hearings were conducted on said amendments in Washington, D.C., on March 23, 1934.

Ten proposed amendments were submitted by the Code Authority but during the course of the Hearing two of these proposed amendments were withdrawn and certain other amendments relative to those already proposed were also presented for consideration. The proposed amendments in their final form are summarized herewith.

The first amendment limits the working week of clerical and office workers and shipping and stock room employees to five and one-half ($5\frac{1}{2}$) days per week, and permits employment of such workers for ten (10) hours per day during a limited period.

The second amendment modifies the Code in accordance with the Executive Order relating to handicapped employees.

The third amendment increases the maximum number of persons on the Code Authority from twelve (12) to fifteen (15) by providing for two (2) members to be elected by the Bath Robes Producers Association of the United States, Inc., and one additional member to be elected by the Robe Industry Association of America, Inc.

The fourth amendment grants to the Code Authority the power to incorporate itself.

The fifth amendment grants to the Code Authority the power to assess and collect from members of the Industry an equitable and proportionate payment of the reasonable expenses of maintaining the Code Authority and its activities.

The sixth amendment grants to the Code Authority the power to make recommendations for the modification or amendment of this Code and provides that such recommendation, upon the approval of the Administrator, shall become effective as part of such Code.

The seventh amendment clarifies and amplifies the present provision relating to the return of merchandise by prohibiting exchanges and allowances.

The eighth amendment relates to prison labor and is in conformity with the prison labor pact.

FINDINGS

The Deputy Administrator in his final report to me on said amendments to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The amendments to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the

National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendments on behalf of the Industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendments and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, these amendments have been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

APRIL 26, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE ROBE AND ALLIED PRODUCTS INDUSTRY

The Code of Fair Competition for the Robe and Allied Products Industry is amended by the following:

Amend Article III, Section 2 to read as follows:

"No person employed in clerical or office work, or in shipping departments, or stock rooms, unless he is employed in a managerial, supervisory, or executive capacity and earns not less than thirty-five (\$35.00) dollars per week, shall be permitted to work in excess of forty (40) hours in any one week nor in excess of eight (8) hours in any twenty-four (24) hour period nor in excess of five and one-half ($5\frac{1}{2}$) days in any seven (7) day period except that such employee may be permitted to work not in excess of forty-eight (48) hours in any one week and not in excess of ten (10) hours in any twenty-four (24) hour period, and not in excess of five and one-half ($5\frac{1}{2}$) days in any seven (7) day period during a maximum of sixteen (16) weeks in any calendar year, provided that in any calendar year the total number of hours worked by any such employee shall not exceed an average of forty (40) hours per week. For the purposes of this Section the fraction 'one-half ($\frac{1}{2}$)' day shall mean four (4) hours."

Amend Article IV, Section 5 to read as follows:

"A person whose earning capacity is limited because of age, physical or mental handicap, or other infirmity, may be employed on light work at a wage below the minimum established by this Code, if the employer obtains from the State Authority, designated by the United States Department of Labor, a certificate authorizing such person's employment at such wages and for such hours as shall be stated in the certificate. Such authority shall be guided by the instructions of the United States Department of Labor in issuing certificates to such persons. Each employer shall file monthly with the Code Authority a list of all such persons employed by him, showing the wages paid to, and the maximum hours of work for such employee."

Amend Article VI, Section 2 to read as follows:

"Said Code Authority shall consist of not more than fifteen (15) members, to be selected in the manner hereinafter set forth:

"(a) Eight (8) members shall be elected by Robe Industry Association of America, Inc., subject to the approval of the Administrator.

"(b) Two (2) members shall be elected by Bath Robes Producers Association of the United States, Inc., subject to the approval of the Administrator.

"(c) Two (2) members shall be elected by the contractors in this Industry subject to the approval of the Administrator. Each such member shall be a recognized and bona fide contractor and shall be elected by vote of all contractors in the Industry. The Administrator or his authorized representative shall supervise said election.

"(d) In addition to the foregoing the Administrator may appoint not more than three (3) additional members, who shall be without vote, to represent the Administrator and/or such other interest or groups as may be determined upon. Should the Administrator appoint a member, or members, to represent the Administrator, such member, or members, shall serve without expense to the Industry."

Amend Article VI, Section 7 (a) to read as follows:

"To incorporate itself and adopt bylaws, and rules and regulations for its procedure and for the administration and enforcement of this Code, and to submit the same to the Administrator for his approval, together with true copies of any amendments or additions when made thereto, minutes of meetings when held, and such other information as to its activities as the Administrator may require."

Amend Article VI, Section 7 (i) to read as follows:

"To assess and collect from members of the Industry an equitable and proportionate payment of the reasonable expenses of maintaining the Code Authority and its activities, subject to the approval of the Administrator."

Amend Article VI, Section 7 (k) to read as follows:

"To initiate, consider, and make recommendations for the modification or amendment of this Code, which recommendations upon the approval of the Administrator shall be binding on all members of the Industry as a part of this Code."

Amend Article VIII, Section 6 to read as follows:

"Merchandise covered by the provisions of this Code sold and delivered by members of the Industry where there has been full compliance with an order or contract shall not be accepted by such members for return or exchange nor shall any allowance be granted on account of such merchandise. No member of the Industry shall sell any merchandise on approval or with the privilege to return."

Amend Article VIII by adding a new Section 15, as follows:

"No merchandise shall be manufactured for any member of the Industry in any prison, prison camp, penitentiary, reformatory, or other correctional institution, or in any place by means of prison labor, except in any such institution hereinbefore described which has subscribed to or may hereafter subscribe to this Code or any compact between the several states of the United States, or has entered into or may hereafter enter into a binding agreement of any other nature which satisfies the Administrator that merchandise produced in such institution or by the inmates thereof, will not be sold except upon a fair competitive basis with similar merchandise not so produced.

"Nothing in this section shall be construed to supersede or interfere with the operation of the Act of Congress approved January 19, 1929, being Public, No. 669 of the 70th Congress and entitled 'An Act to divest goods, wares, and merchandise manufactured, produced or

mined by convicts or prisoners of their interstate character in certain cases', which Act is known as the Hawes-Cooper Act, or the provisions of any State legislation enacted under, or effective upon, the effective date of the said Hawes-Cooper Act, the said effective date being January 19, 1934.'

Approved Code No. 211—Amendment No. 1.
Registry No. 204-1-02.

